

LING, ROBINSON & WALKER

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396

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LING, ROBINSON & WALKER  
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Attorneys for Debtors

U.S. COURTS

04 MAY 26 AM 11:45

REC'D  
CLERK  
CAMERON S. BURKE  
IDAHO

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

In Re: ) Case No. 99-41532  
) (Chapter 12)  
)  
LEO "BRUCE" ROBBINS and )  
HEIDI ROBBINS, ) APPLICATION FOR ALLOWANCE  
) OF INTERIM ATTORNEY'S  
) FEES AND COSTS  
)  
Debtors. )

COMES NOW Brent T. Robinson of the firm of Ling, Robinson & Walker, and applies to the Court for allowance of interim attorney's fees. Applicant respectfully states and represents to the Court that:

1. Applicant is the attorney of record for Leo "Bruce" Robbins and Heidi Robbins, debtors in possession herein, and makes this application for an allowance of compensation for professional services rendered, and for reimbursement for actual necessary costs and expenses incurred in the administration of the estate of said debtors.

APPLICATION FOR ALLOWANCE OF INTERIM ATTORNEY'S  
FEES AND COSTS - 1

81

1  
2           2. All services for which compensation is requested by your applicant were  
3 performed for and on behalf of said debtors in possession, and not on behalf of any committee,  
4 creditor or other person. Each attorney involved in the services for which compensation is  
5 requested are specifically identified on the attached Exhibit "A" and incorporated herein by  
6 reference as if set forth fully.

7           3. Under the terms of the debtors' Chapter 12 Plan that was confirmed by  
8 this Court on the 23<sup>rd</sup> day of February 2000, the secured creditors and unsecured creditors will  
9 be paid according to the terms of the debtors' Chapter 12 Plan. The debtors' Chapter 12 Plan  
10 provides, among other things, that the firm of Ling, Robinson & Walker will be paid the amount  
11 allowed by the Court. Sufficient funds exist to pay the attorney's fees and costs and to make the  
12 necessary payments to creditors. Applicant has rendered services to debtors in possession in the  
13 following manner.

14  
15           SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE IS  
16 MADE A PART HEREOF AS THOUGH FULLY SET FORTH HEREIN

17           4. Because of said services rendered by applicant, debtors' estate has benefited  
18 as applicant was employed to pursue assets, analysis and recovery.

19           5. Further, applicant sustained and incurred expenses and/or costs of Court  
20 described and itemized in the statement attached hereto as Exhibit "B", in connection with  
21 applicant's function and activities as attorney for debtors. A narrative summary of professionals'  
22 fees and expenses is attached hereto as Exhibit "C".

23           6. That the undersigned attorney for debtors filed a previous Application for  
24 Allowance of Interim Attorney's Fees and Costs, said application being approved by the Court  
25 on the 28th day of January, 2003. That this application is being made for approval of payment  
26

1  
2 of the fees and costs that have been incurred since said application was made. That any award of  
3 the fees and costs requested herein shall not be shared with any other party.


4           7. The rate of compensation of the attorney was detailed in debtors'  
5 application for approval of applicant's employment, and was approved by Order of this Court on  
6 the 28<sup>th</sup> day of September 1999. In conformity with that rate, the reasonable value of the  
7 services rendered by your applicant as attorney for said debtors in possession in this case under  
8 Chapter 12, including costs and disbursements incurred to date, is \$2,471.10. That the  
9 additional amount showing as being owed on the attached itemized statement, namely the sum  
10 of \$1,360.44, is the sum remaining to be paid by the debtors pursuant to the previous Order  
11 Allowing Interim Attorney's Fees and Costs that was entered by the Court on the 28<sup>th</sup> day of  
12 January 2003.

13           8. At the time the debtors' bankruptcy was filed, applicant received the sum of  
14 \$7,000.00. Of this sum, \$1,230.00 was applied towards prepetition fees and costs. That upon  
15 court approval being entered on the 26th day of June, 2000, on the first application, trust funds  
16 in the sum of \$3,937.41 were withdrawn and applied towards the attorney's fees and costs  
17 incurred therein. Further, that upon court approval being entered on the 28<sup>th</sup> day of January,  
18 2003, on the second application, trust funds in the sum of \$1,832.59 were withdrawn and  
19 applied towards the attorney's fees and costs incurred in said second application. In addition,  
20 the sum of \$97.50 was written off by debtors' attorney pursuant to the directive made by the  
21 Court on the 28<sup>th</sup> day of January, 2003. The sum of \$1,360.44 remains to be paid on the second  
22 application and said sum was to be paid by the debtors by December 31, 2003. There are  
23 currently no funds being held in the trust account of Ling, Robinson & Walker. That upon court  
24 approval on this third application, debtors will be required to pay the balance of \$1,360.44  
25 owing on the second application, together with the fees and costs incurred herein.

1  
2 WHEREFORE, applicant prays that an allowance be made in the sum of  
3 \$2,297.50 for time and services rendered on debtors' behalf, and \$173.60 as and for  
4 reimbursement for expenses incurred by applicant for a total of \$2,471.10, as part of the costs  
5 and expenses of the administration of the above-named debtors' estate.

6 DATED this 25th day of May, 2004.

7 LING, ROBINSON & WALKER

8  
9 By   
10 Brent T. Robinson  
11 Attorney for Debtors

12 **CERTIFICATE OF MAILING**

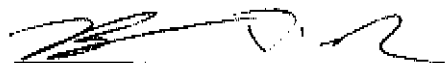
13 I hereby certify that on the 25th day of May, 2004, I served a copy of the  
14 foregoing **APPLICATION FOR ALLOWANCE OF INTERIM ATTORNEY'S FEES  
AND COSTS** upon:

15 Forrest P. Hymas  
16 Chapter 12 Trustee  
17 P.O. Box 89  
18 Jerome, ID 83338

19 Office of the U. S. Trustee  
20 304 North 8th Street, Ste. 347  
21 Boise, Idaho 83702

22 Mr. and Mrs. Bruce Robbins  
23 500 East 31 South  
24 Rupert, ID 83350

25 by depositing a copy thereof in the United States mail, postage prepaid, in envelopes addressed  
26 to said persons at the foregoing addresses.

27  
28   
Brent T. Robinson  
Attorney for Debtors

**EXHIBIT "A"**  
**SUMMARY SHEET**

Fees Previously Requested: \$3,364.50  
Fees Previously Awarded: \$3,267.00  
Expenses Prev. Requested: \$ 183.53  
Expenses Prev. Awarded: \$ 183.53  
Retainer Paid: \$7,000.00

(Of this sum, \$1,230.00 was applied towards prepetition fees and costs and the balance of \$5,770.00 was held in trust. That upon court approval being entered on the 26th day of June, 2000, on the first application, the sum of \$3,937.41 was applied towards the post-petition fees and costs. That upon court approval being entered on the 28<sup>th</sup> day of January, 2003, on the second application, the sum of \$1,832.59 was applied towards post-petition fees and costs. There are presently no funds in trust.)

NAME OF APPLICANT: Brent T. Robinson

ROLE IN THE CASE: To develop a confirmable plan for the debtors

**CURRENT APPLICATION:**

Fees Requested: \$2,297.50  
Expenses Requested: \$ 173.60  
Total Requested: \$2,471.10

**HOURS BILLED**

NAMES OF PROFESSIONALS	YEAR ADMITTED TO PRACTICE	CURRENT APPLICATION	HOURLY RATE	TOTAL FOR APPLICATION
<u>PARTNERS:</u>  Brent T. Robinson	1976	Travel time- 5 hr.; Attorney's fees- 16.5 hrs.	Travel time- \$65/ hr.; Attorney's fees- \$130.00/hr.	Travel time-\$32.50; Attorney's fees - \$2,145.00
<u>ASSOCIATES:</u>  Diana M. Wheeler	Paralegal	Paralegal services- 2 hrs.	Paralegal services - \$60.00/hr.	Paralegal services- \$120.00

Total Fees: \$2,297.50

Total Costs: \$ 173.60

**TOTAL** \$2,471.10

Fees/Costs:

TOTAL BLENDED HOURLY RATE: \$85.00

DATED this 25th day of May, 2004.

LING, ROBINSON & WALKER

By: 

Brent T. Robinson  
Attorney for Debtors

LING, ROBINSON & WALKER  
Attorneys at Law  
615 H. Street  
P.O. Box 396  
Rupert, ID 83350

Bruce & Heidi Robbins  
500 E 31 S  
Rupert, ID 83350

May 24, 2004  
General  
Debts; 8/17/99 Chapter12  
Bankruptcy;\$130.hr.ON HOLD  
File #: 0000005304  
Responsible Attorney: BTR

### Itemized Statement

Previous Balance	\$3290.53
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#### Credits

January 2003

01/31/03 Transfer of Advance	183.53
01/31/03 Transfer of Advance	1649.06
01/15/03 Writeoff-fees of 11/25/2002 pursuant to Court's directive	97.50
	-----
Total Credits	\$1930.09

#### Professional Services Rendered

December 2002

12/16/02 Preparation -talked about settling the bankruptcy--RE: Chapter 13 BTR 0.50 hours @ 130.00	65.00
12/18/02 Preparation of motion to incur secured debt--RE: Chapter 12 BTR 1.50 hours @ 130.00	195.00
12/27/02 Preparation -sent inforamtion to bill--RE: Chapter 12 BTR 0.20 hours @ 130.00	26.00

EXHIBIT "B"

Bruce & Heidi Robbins  
Debts; 8/17/99 Chapter12  
Bankruptcy;\$130.hr.ON HOLD

May 24, 2004

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Professional Services Rendered (Continued)

January 2003

01/06/03	Conference w/client -discussed motion to modify--RE: Chapter 12	
	BTR 0.40 hours @ 130.00	52.00
01/22/03	Preparation of order regarding attorney fees--RE: Chapter 12	
	BTR 0.50 hours @ 130.00	65.00
01/27/03	Preparation of order regarding fees--RE: Chapter 12	
	BTR 0.50 hours @ 130.00	65.00

February 2003

02/03/03	Preparation of motion to modify--RE: Chapter 12	
	BTR 2.00 hours @ 130.00	260.00
02/11/03	Preparation for hearing regarding modifying the plan and incurring secured debt--RE: Chapter 12	
	BTR 0.60 hours @ 130.00	78.00
02/12/03	Attend motion to incur secured debt and to modify plan--RE: Chapter 12	
	BTR 1.00 hours @ 130.00	130.00
02/12/03	Travel time regarding motion to incur secured debt--RE: Chapter 12	
	BTR 0.50 hours @ 65.00	32.50
02/14/03	Preparation of order authorizing secured debt and regarding modification--RE: Chapter 12	
	BTR 1.00 hours @ 130.00	130.00
02/19/03	Prep-Letter to Lance Loveland--RE: Chapter 12	
	BTR 0.40 hours @ 130.00	52.00

Bruce & Heidi Robbins  
Debts; 8/17/99 Chapter 12  
Bankruptcy; \$130/hr. ON HOLD

May 24, 2004

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Professional Services Rendered (Continued)

02/25/03 Preparation of request for preliminary  
hearing-D.L.Evans Bank

BTR 0.60 hours @ 130.00 78.00

March 2003

03/04/03 Preparation of order granting  
preliminary hearing to Loveland--RE:  
Chapter 12

BTR 0.30 hours @ 130.00 39.00

03/13/03 Preparation -revised order modifying to  
incur secured debt--RE: Chapter 12

BTR 0.50 hours @ 130.00 65.00

03/18/03 Preparation of order regarding  
incurring secured debt and to modify  
plan--RE: Chapter 12

BTR 1.00 hours @ 130.00 130.00

03/20/03 Preparation -D.L.Evans stipulation for  
stay--RE: Chapter 12

BTR 1.00 hours @ 130.00 130.00

April 2003

04/23/03 Preparation -Solar Farm Security  
documents and assignment--RE: Chapter  
12

BTR 2.00 hours @ 130.00 260.00

July 2003

07/29/03 Telephone Conf. w/Forest and Bruce  
Robbins regarding sale of cattle; Did  
motion to sell--RE: Chapter 12

BTR 2.50 hours @ 130.00 325.00



Bruce & Heidi Robbins  
Debts; 8/17/99 Chapter12  
Bankruptcy;\$130.hr.ON HOLD

May 24, 2004

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Professional Services Rendered (Continued)

May 2004

05/24/04 Preparation of Application for Allowance of Interim Attorney's Fees and Costs; Notice of Hearing on Application for Interim Attorney's Fees and Costs; Affidavit of Mailing; Prep- letter to Court w/original documents for filing--Re:Ch. 12 BK	DMW 2.00 hours @ 60.00	120.00
		-----
	Total Services	\$2297.50

Disbursements

November 2002

11/25/02 Long Distance Calls	2.80
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December 2002

12/09/02 Photocopying -164 copies @.15	24.60
12/09/02 Postage	28.16
12/27/02 Fax charges	2.00

January 2003

01/09/03 Long Distance Calls	4.83
01/13/03 Postage	26.18

Bruce & Heidi Robbins  
Debts; 8/17/99 Chapter12  
Bankruptcy;\$130.hr.ON HOLD

May 24, 2004

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Disbursements (Continued)

February 2003

02/04/03 Photocopying -159 copies @.15	23.85
02/04/03 Postage	26.87
02/04/03 Postage	3.13
02/07/03 Fax charges	4.76
02/10/03 Long Distance Calls	8.91
02/25/03 Postage	1.29
02/25/03 Long Distance Calls	1.59

March 2003

03/12/03 Long Distance Calls	1.59
03/13/03 Fax charges	4.77
03/25/03 Fax charges	2.00

April 2003

04/30/03 Postage	1.20
04/30/03 Fax charges	1.48

May 2003

05/05/03 Fax charges	2.00
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July 2003

07/29/03 Long Distance Calls	1.59
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Total Disbursements	----- \$173.60
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Balance Due	----- \$3831.54 =====
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**EXHIBIT "C"**  
**NARRATIVE SHEET**

	<b>INFORMATION REQUESTED</b>	<b>INFORMATION GIVEN</b>
<b>I</b>	<b><u>BACKGROUND</u></b> The background information of the bankruptcy case, to the best of Applicant's knowledge is as follows:	
A.	Date the bankruptcy Petition was filed.	September 13, 1999
B.	Date of the "Order Authorizing Employment of Attorney".	September 28, 1999
C.	Date services commenced.	June 11, 1999
D.	Rate Applicant charges its non-bankruptcy clients for similar services.	\$150.00 per hour
E.	Application is final (or interim).	Interim
F.	Time period of the services or expenses covered by the Application.	December 16, 2002 through May 24, 2004
<b>II</b>	<b><u>CASE STATUS</u></b> To the best of Applicant's knowledge, the financial condition and status of the case is as follows:	
A.	The amount of cash on hand or on deposit in the estate.	There are presently no funds being held in trust by Ling, Robinson & Walker
B.	Amount and nature of accrued, unpaid administrative expenses.	To the best of applicant's knowledge, only the fees requested are unpaid administrative expenses
C.	The amount of unencumbered funds in the estate.	There should be sufficient unencumbered funds in the estate to pay these fees and costs

<b>III</b>	<b>PROJECT SUMMARY.</b> Description of each professional project or task for which compensation and reimbursement is sought (use project categories in Act);	
A.	Description of the project.	See Exhibit "B" attached hereto for a detailed description of what has been performed on behalf of debtor by applicant and the fees and costs incurred in this project.
B.	Necessity of project.	Project is necessary because without the assistance of applicant, a confirmable plan could not be obtained for debtors.
C.	Benefit of project to the estate.	Allows creditors to be paid because a confirmable plan has been developed
D.	Status of project (including all pending litigation.)	Interim
E.	Identification of each person providing services on the project.	Brent T. Robinson-Partner Diana M. Wheeler-Paralegal
F.	Number of hours spent and the amount of compensation requested for each professional and para-professional.	Brent T. Robinson—Travel time-.5 hrs. @\$65/hr. = \$32.50; Brent T. Robinson—Attorney's fees-16.5 hrs. @ \$130/hr. = \$2,145.00; Diana M. Wheeler—Paralegal services—2 hrs. @ \$60/hr. = \$120.00
G.	Itemized time and services entries.	See Exhibit "B" attached hereto